

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/27/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUNIOUS NIELSEN,

Plaintiff,

-v-

J.C. PENNY COMPANY, INC.,

Defendant.
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ORDER

23-CV-5619 (JGLC) (JLC)

JAMES L. COTT, United States Magistrate Judge.

Pro se plaintiff Junious Nielsen brings this action alleging that Defendant J.C. Penny Company, Inc. (“Defendant”) unlawfully discriminated against him due to his military service and terminated his employment.¹ Complaint dated June 30, 2023, at ECF page 5 (Dkt. No. 1).

Because plaintiff has been granted permission to proceed *in forma pauperis* (“IFP”) (Dkt. No. 35), he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *See, e.g., Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP). The Court has identified Defendant’s registered agent as C T Corporation System, with a registered office street address of 1999 Bryan Street, Suite 900, Dallas, Texas

¹ Presumably, Nielsen intends to bring this suit against the department store JCPenney, which he has misspelled in his complaint and other filings.

75201. This information was received from the Texas Comptroller of Public Account's Taxable Entity Search, an online public database of information about Texas businesses.

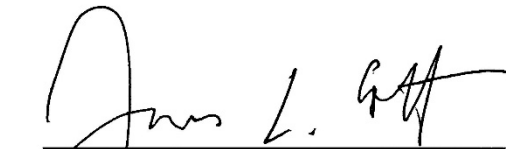
To allow Plaintiff to effect service on Defendant through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for this Defendant. The Clerk of Court is further instructed to issue a summons and deliver to the U.S. Marshals Service all the paperwork necessary for the U.S. Marshals Service to effect service upon Defendant. If the complaint is not served within ninety days after the date the summons is issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

CONCLUSION

The Clerk of Court is instructed to issue a summons, complete the USM-285 form for Defendant, and deliver all documents necessary to effect service to the U.S. Marshals Service. The Clerk is respectfully directed to close Docket No. 32, and mark it as “granted.”

SO ORDERED.

Dated: New York, New York
October 27, 2023



JAMES L. COTT
United States Magistrate Judge